

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE MERRILL LYNCH & CO., INC.  
SECURITIES, DERIVATIVE AND  
ERISA LITIGATION

This Document Relates To:  
Securities Action, 07cv9633 (JSR)(DFE)

Master File No.:  
07cv9633 (JSR)(DFE)

**NOTICE OF MOTION AND MOTION OF CO-LEAD COUNSEL  
FOR AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES**

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*Co-Lead Counsel for Lead Plaintiff State Teachers' Retirement System of Ohio  
and the Settlement Class*

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law in Support of Co-Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Expenses, the Joint Declaration of Frederic S. Fox, Lawrence J. Lederer and M. Richard Komins in Support of Co-Lead Counsel's Request for an Award of Attorneys' Fees and Reimbursement of Expenses, the declarations of William J. Neville, Dennis P. Smith, Jr., Bill S. McIntyre, Charles E. Ferrara and R. Alan Miller, and all other papers filed in this litigation, Co-Lead Counsel for Lead Plaintiff, the State Teachers' Retirement System of Ohio, will move this Court, before the Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, on July 27, 2009 at 4:00 p.m., for entry of an Order Approving Co-Lead Counsel's Request for an Award of Attorneys' Fees and Reimbursement of Expenses.

Dated: June 26 2009

Respectfully submitted,

/s/ Frederic S. Fox

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